

protects against undue forfeiture of attorney-client privilege and work product protections when privileged communications are inadvertently produced in discovery—where the party producing the documents took reasonable steps to prevent the disclosure and does not try to use the disclosed information in a misleading way. Second, it permits parties and courts to protect against the consequences of waiver by permitting limited disclosure of privileged information between the parties to litigation. This allows parties and courts to manage the effects of disclosure and provide predictability in current and future litigation.

The proposed rule enjoys wide support from parties on both sides of the “v.” Both plaintiffs and defendants want this rule because it makes the litigation more efficient and less costly; it ensures that the wheels of justice will not become bogged down in the mud of discovery.

The Judicial Conference, which is the body responsible for proposing new procedural rules, has undertaken an extensive process in crafting this rule over the last year and a half. The rule was approved by the Judicial Conference’s Advisory Committee on Evidence Rules, the Standing Committee on Rules of Practice and Procedure, and the Judicial Conference itself, after a public comment period that included several hearings with supportive comments and testimony from bench and bar. There were more than 70 public comments, and more than 20 witnesses testified.

The time is ripe to move forward and enact this proposed rule into law. Therefore, I have worked with Senator LEAHY to bring this bill to the floor in a timely and bipartisan fashion. This rule is necessary to protect the attorney-client privilege, to bring clarity to the law, and to ensure fairness for all parties. And every day we wait wastes the time and resources of litigants and the courts. I urge my colleagues to join with Senator LEAHY and me in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 400—TO DESIGNATE FRIDAY, NOVEMBER 23, 2007, AS “NATIVE AMERICAN HERITAGE DAY” IN HONOR OF THE ACHIEVEMENTS AND CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. INOUE (for himself, Mr. BROWNBACK, Mr. DORGAN, Mr. BINGAMAN, Mrs. CLINTON, Ms. CANTWELL, Mr. COCHRAN, Mr. JOHNSON, Mr. CONRAD, Mr. DOMENICI, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. STEVENS, Mr. BAUCUS, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 400

Whereas Native Americans are the descendants of the aboriginal, indigenous, na-

tive people who were the original inhabitants of and who governed the lands that now constitute the United States;

Whereas Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation’s military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

Whereas Native American tribal governments developed the fundamental principles of freedom of speech and separation of governmental powers that were a model for those that form the foundation of the United States Constitution;

Whereas the Founding Fathers based the provisions of the Constitution on the unique system of democracy of the Six Nations of the Iroquois Confederacy, which divided powers among the branches of government and provided for a system of checks and balances;

Whereas Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

Whereas nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

Whereas designation of the Friday following Thanksgiving as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments; and

Whereas designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation: Now, therefore, be it

Resolved, that the Senate—

(1) designates Friday, November 23, 2007, as “Native American Heritage Day”; and

(2) encourages the people of the United States, as well as Federal, State, and local governments and interested groups and organizations to observe Native American Heritage Day with appropriate programs, ceremonies, and activities, including activities related to—

(A) the historical and constitutional status of Native American tribal governments as well as the present day status of Native Americans;

(B) the cultures, traditions, and languages of Native Americans; and

(C) the rich Native American cultural legacy that all Americans enjoy today.

SENATE RESOLUTION 401—TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. LEAHY, Mr. CORNYN and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 401

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF INFORMATION.

The Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CONGRESSIONAL RESEARCH SERVICE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic system, for purposes of access and retrieval by the public under section 3 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is the following:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director of the Congressional Research Service; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director of the Congressional Research Service, determines that making that material available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director of the Congressional Research Service, determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.